



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,458	12/19/2000	Christopher L. Wong	021756-019600US	8837
51206 7590 07/06/2010 TOWNSEND AND TOWNSEND AND CREW LLP/ORACLE TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER FEENEY, BRETT A	
			ART UNIT 3624	PAPER NUMBER
			MAIL DATE 07/06/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/742,458	Applicant(s) WONG ET AL.	
	Examiner BRETT FEENEY	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05/07/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65 and 68 is/are pending in the application.
- 4a) Of the above claim(s) 71-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65 and 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. The following **NON-FINAL** Office action is in response to Applicant's submission received 06/08/2008.
2. Claims 19, 41, and 63 were amended. No new claims were presented. Claims 23-24, 27-29, 31-32, 34, 37-40, 55, 58, 60-61 and 66-67 were previously canceled.
3. Claims 19-22, 25-26, 30, 33, 35-36, 41-54, 56-57, 59, 62-65 are 68 are pending and have been examined.

Continued Examination under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 20, 2010 has been entered.

Response to Amendment

5. Applicant's amendments to claims are herein acknowledged and entered. In response to Applicant's amendments, the Examiner has withdrawn the previous rejection under §103 and has entered a new rejection under §103.

Response to Arguments

6. Applicant's arguments received on February 9, 2010 have been fully considered but are moot in view of the new grounds for rejection.

Rejections under § U.S.C. 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19-22, 25-26, 30, 33, 35-36, 41-49, 54, 56-57, 59 and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao US 6,662,194 (herein Joao); in view of Nadkarni US 6,266,659 (herein Nadkarni); further in view of Puram et al. US 6,289,340 (herein Puram).

Claim 41

Joao discloses a method for workforce procurement and management using a hosted network application, the method comprising:

- *receiving, into a requirement function from a client, a plurality of staffing requirements for a project* (see column 5, lines 4-11; noting “[e]mployers and/or

Art Unit: 3624

other hiring entities can post and/or list information regarding jobs, employment positions, temporary positions, assignments, freelance assignments, contracting assignments and/or jobs, as well as other assignments, projects and/or efforts.”);

- *matching a plurality of contractors to the plurality of staffing requirements for the project based on at least one business rule and an associated digital portfolio of each contractor in the plurality of contractors, wherein each of the contractors are made available to be hired for the project based on a match* (see column 5 lines 12-16; noting contractors provide “information regarding themselves”. Further, see FIG 10H and associated text in column 14, lines 46-60; noting "Individual data and information" comprises a profile that includes all information included in a resume, cover letter, background checks and the like. Further see column 6, lines 14-16; noting that matching of contractors and employers may be performed automatically. Further, see column 7, lines 51-55; noting the method provides for notifying contractors and employers when there is a match and "when same become available". Further see also FIG 3and associated text; noting “[a]t step 307, the employer will enter its recruitment search, including any search criteria [(i.e. rule for matching)], into the central processing computer 10 via the employer computer 30. At step 308, the central processing computer 10 will query the database of posted and/or listed individuals and generate a report or list of individuals who meet the employer's search criteria.”);
- *collecting, into a work journal function, performance information about work performed on the project by a hired contractor*, (see column 17, lines 24-39;

Art Unit: 3624

noting the contractor's information contained with in the database is updated "after each placement [(i.e. job)] and/or transaction [(i.e. assignment completed)]". Further, see column 17, lines 40-51; noting compensation, skill, performance and other data are stored in the database.);

- *automatically updating the digital portfolio resume of the hired contractor in response to approval of the collected performance information with new skill level information obtained on the project for the hired contractor and one or more new skills obtained on the project by the hired contractor determined from the collected performance information, (id. Noting the updated information for the contractor includes "experience levels, skill levels, skills and abilities", etc.);*
- *whereby the digital portfolio resume includes current information for the contractor for matching with an additional staffing requirement for an additional project before completion of the project, such that the digital portfolio for the hired contractor remains current with skill, experience and review information for the hired contractor (see column 17, lines 24-39; noting the contractor's information contained with in the database is updated "after each placement [(i.e. job)] and/or transaction [(i.e. assignment completed)]". Therefore, a placement (i.e. project) does not have to be completed rather the user profile may be updated in real time in accordance with completion of each unit of work. Further Joao also teaches in exemplary embodiments that the schedule of the contractor is included such that availability is maintained.).*

Art Unit: 3624

Joao does not explicitly recite that feedback used to update the candidate profile is received by the employer or employees associated therewith *per se* however in analogous are Puram teaches the same (see FIG 4 and associated text “a process 300 for gathering feedback from employers and candidates and adjusting employers' needs data and candidates' skills data accordingly.” Further noting the “feedback process, an employer can provide feedback about how a candidate fulfilled his/her responsibilities after a project is completed. This information can be used to update or modify the third party assessment of a candidate's skill level in their skills profile.”). Further Joao does not explicitly recite matching based on a business rule *per se*, however Puram teaches entering and applying global rules for matching employees with employers (see column 6, lines 54-65; noting “the system and method includes a file or database for each employer that includes such global rules or preferences”).).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao with the step of updating contractor's profiles by feedback received from others and matching based on rules taught by Puram because applying matching rules and updating skills, availability and the like of contractors allows employers and contractors to be appropriately matched thereby maximizing contractor utilization and ensuring work is completed efficaciously. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and

Art Unit: 3624

one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Joao/Puram does not explicitly recite that the profile is a “resume” *per se* however in analogous art Nadkarni teaches the same (see column 1, lines 9-15; noting “computer-based, skills/resume management system that provides employers and those seeking employment with on-line access to a skills/resume relational database.” Further, see also FIGS 3A and 3B and associated text; noting “the candidate or vendor accesses the system via a telecommunicative link to enter or update one or more skill profiles or resumes.”).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Puram with the digital resumes taught by Nadkarni because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 42

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Puram teaches:

- *receiving a review of the work performed on the project by the hired contractor*
(see FIG 4 and associated text; noting “process 300 for gathering feedback from

Art Unit: 3624

employers and candidates and adjusting employers' needs data and candidates' skills data accordingly.”).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Puram/Nadkarni with the step of reviewing the work performed by the hired contractor taught by Puram because reviewing ensures that contractors are not billing for work that was not completed, not completed per terms of the contract, etc. thereby ensuring that companies do not waste money paying contractors for uncompleted or unacceptable work. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 43

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *tracking expenditures on the project with a settlement function* (see column 34, lines 33-46; noting financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects. Further, see column 10, lines 31-37; noting "payment from one party to another, and/or receive a payment for, and/or on behalf of, a party.”).

Art Unit: 3624

Claim 44

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *analyzing the performance of the hired contractor and reporting the analysis the analysis function monitoring an event of the workforce procurement and management application the reporting function notifying a participant in the hosted workforce procurement and management process based on the event* (see column 22, lines 42-53; Further see column 25, line 66-col. 26, line 10; noting, reports are provided to both, contractors seeking jobs, as well as employers seeking contractors. Further, see column 23, lines 35-52; noting "the employer is interested in pursuing discussions" [monitored event occurs], the computer system will "notify the individual by transmitting a message" [notification occurs]).

Claim 46

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *wherein the staffing requirement includes a list of suppliers and skills for the project* (see column 25, lines 25-31; column 25, line 66-col. 26, line 10; noting reports to employers seeking contractors includes a list of contractors that match the employers' staffing requirements, including skills.).

Art Unit: 3624

Claim 47

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *receiving a sourcing for the project and managing a hiring process including sourcing, interviewing, and negotiation with a transaction management function* (see column 24, lines 37-49; column 25, lines 24-30; column 39, line 61-col. 40, line 3; Employers indicate their requirements for projects as well as the hiring process.).

Joao does not explicitly recite receiving “*preference and a set of rules*” *per se*, however, Puram teaches the same (see column 6, lines 54-65; noting “global rules or preferences”). It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Puram/Nadkarni with the step of providing rules or preferences taught by Puram because when automatically matching employers and contractors the computer programs operate faster given rules for assignment, thereby improving the speed and efficiency of matching a large number of contractors and employers. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 48

Art Unit: 3624

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *wherein the client is an employee of an enterprise, a recruiter who sells a service of finding contractors, or a staffing supplier who sells a service of finding contractors, wherein the different participants have varying levels of access to the hosted network application based upon attributes, wherein attributes include personal attributes associated with a participant and enterprise attributes associated with an enterprise using the hosted network application (see column 11, lines 45-67; noting Joao teaches a plurality of users. Further, see column 15, lines 1-22; noting the database contains personal information about the users. Further noting, access to the information may be restricted to certain users.).*

Claim 49

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *wherein the matching comprises performing a search for a contingent position based upon criteria entered by a contractor, wherein the contingent position is associated with the project (see column 11, lines 45-67; column 20, lines 53-63; column 24, lines 37-49; col. 32, lines 30-38 and 47-51 ; Contractors search for contingent positions (or when practiced automatically by the computer, the computer selects individuals for that are contingently assigned to the position), in*

Art Unit: 3624

that the positions are conditional upon meeting the hiring requirements of the employer seeking to hire a contractor for a particular project.).

9. Claims 45, 52-53, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao; in view of Puram; further in view of Nadkarni; further in view of Knudson et al. US 5,765,140 (herein Knudson).

Claim 45

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *reporting expenses incurred on the project (id. at **Claim 41**. Further see column 34, lines 33-46; noting financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects.). Joao also discloses creating reports on contractor and employer data, which is stored in the database(s) (see column 22, lines 42-53; column 25, line 66-col. 26, line 10; The system provides reports to both, contractors seeking jobs, as well as employers seeking contractors.).*

Joao does not recite an expense reporting function, however in analogous art Knudson teaches the same (see FIG 3 and associated text noting "Track Cumulative Labor Cost" and "Report Funding Progress"). It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by

Art Unit: 3624

Joao/Puram/Nadkarni with the step of reporting expenses taught by Knudson because creating reports allows managers to quickly and efficiently review data. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 52

Joao/Puram/Nadkarni teaches the limitations above. Joao/Puram/Nadkarni does not explicitly recite however in analogous art Knudson teaches the method of claim 41, wherein the collecting of information into the work journal function comprises:

- *receiving hours worked by the hired contractor* (see FIG 4 and associated text; noting “Time Sheet” contains work hours worked by the contractor.);
- *receiving information as to the type of work done by the hired contractor* (*id.* Noting, the “Time Sheet” contains information related to hours worked for each task “Task 1”, “Task 2” and “Task 3”.);
- *receiving comments regarding work done by the hired contractor* (*id.* Noting, “Review Time Sheets” includes comments regarding the validity of the received time sheet. Further, see *id.* noting “Feedback to Project Plan(s)” includes comments regarding the work completed (and not yet completed) in respect to the project. Further see text in column 6, lines 55-67; noting “comments region in which user may provide suitable comments”).;

Art Unit: 3624

- *receiving an approval of the work journal information (id. Noting, “Review Time Sheets” includes an approval function. Further see text in column 9, lines 39-60; noting “approval by approving managers identified in the TES/Admin module”).*

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Puram/Nadkarni with the step of collecting of information into the work journal function taught by Knudson because keeping track of work performed by projects and personnel performing the work allows managers to make intelligent decisions for adapting project scope, planning future projects, etc. thereby saving time and money through improvements to project management. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 53

Joao/Puram/Nadkarni/Knudsson teaches the limitations above. Furthermore Joao discloses:

- *automatically updating the resume of the hired contractor with data from the approved work journal (id. at **Claim 41**. Noting, the contractors resume is automatically updated based on projects worked on, skills acquired, additional training received, etc.).*

Claim 54

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *receiving a plurality of resumes each for a different contractor matching more than one resumes to the staffing requirement for the project (id. at **Claim 41**. see column 5 lines 12-16; noting contractors provide “information regarding themselves”. Further, see FIG 10H and associated text in column 14, lines 46-60; noting "Individual data and information" comprises a profile that includes all information included in a resume, cover letter, background checks and the like. Further see column 6, lines 14-16; noting that matching of contractors and employers may be performed automatically. Further, see column 7, lines 51-55; noting the method provides for notifying contractors and employers when there is a match and "when same become available". Joao discloses that employees are matched to employers based on “individual data and information” based on the needs of the employer and the information may be provided to the employer. The examiner notes that the “individual data” is analogous to a resume.)*

Claim 56

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

Art Unit: 3624

- *wherein the matching comprises performing a search of the resumes of the contractors based upon the staffing requirement received from the client (id.).*

Claim 57

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

- *generating a work order based upon a successful match of a resume; receiving a review at a first level of the work order to determine whether to approve the work order; if the work order is not approved, returning the work order to a level below the first level; collecting data regarding the work order, approval, and failure to approve (see column 16, lines 33-50; noting the database contains information about the contractors who have been approved in advance to work for a specific employer as well as information about the contractors who have not been approved in advance to work for a specific employer.).*

10. Claims 50, 51, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao; in view of Puram; further in view of Nadkarni; further in view of Richardson et al US 7,069,229 (herein Richardson).

Claim 50

Joao/Puram/Nadkarni teaches the limitations above. Furthermore Joao discloses:

Art Unit: 3624

- *receiving a request for proposal (RFP) for a specification of the project, including a list of required contractors and their associated skills (see column 24, lines 37-49; column 32, lines 30-38; noting contractors and employers to submit offers and counteroffers to each other as well as have bidding for projects.);*
- *documenting terms and conditions of a project with a work order function and generating a purchase order in response to an approved work order with a purchase order function (see column 33, line 53-co1.34, line 11; noting the system maintains project-specific information such as project requirements, hiring and schedules. Further noting, the database maintains financial information associated with payment of contractors for work on a project. Thus, a work order can include a requirement to hire a contractor and the purchase order can include the offering of a job to a contractor.);*
- *facilitating the logistical components of a hiring process including management of blood testing, badging, and facilities with a logistics management function (see column 24, lines 34-49; noting employee screening and hiring processes.);*
- *managing the fulfillment of sourcing requirements, including maintaining a status of sourcing requirements with a fulfillment management function (see column 24, lines 37-49; column 25, lines 24-30; column 39, lines 33-39; column 39, line 61-col. 40, line 3; Employers indicate their requirements for projects as well as the hiring process. The system maintains status information as to whether a deal has been reached between a contractor and an employer.);*

Art Unit: 3624

- *facilitating the pre-qualification of a contractor and a consultant and for monitoring compliance with government rules and regulations (see column 24, lines 34-49; column 25, lines 25-31; column 40, lines 59-65; Employers enter requirements of contractors for certain projects. Potential contractors are screened to ensure they meet those requirements before they are hired.).*

Joao does not explicitly recite a risk function *per se*, however, in analogous art Richardson teaches the same (see FIG 6 and associated text; noting “Risk Factor”).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Puram/Nadkarni with the step of calculating risk taught by Richardson because understanding the level of risk of projects not being completed timely due to unavailable resources allows companies to either mitigate the risk, create contingency plans and build buffers so that the adverse impact of changes in projects can be minimized. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 51

Joao/Puram/Nadkarni/Richardson teaches the limitations above. Furthermore Joao discloses:

Art Unit: 3624

- *generating a search based upon the request for proposal and the project specification* (see column 24, lines 36-49; noting the “computer will record and/or store any and/or all data and/or information regarding and/or pertinent to the search”);
- *broadcasting at least part of the request for proposal to publicly accessible applications* (*id.* Further, see column 24, lines 50-58; noting “data and/or information is transmitted [(i.e. broadcasted)] to and/or be stored in database(s)”);
- *receiving responses to the request for proposal* (*id.* Noting, “offers, counteroffers, rejected offers”, etc. are responses.);
- *conducting bargaining based upon responses to the request for proposal including auctions and reverse auctions* (*id.* Noting offers and counteroffers are an exemplary embodiment of bargaining.).

Claims 19 – 22, 25, 26, 30, 33, 35, 36 and 62 are directed to the system for practicing the method recited in the claims above. Therefore, claims 19 – 22, 25, 26, 30, 33, 35, 36 and 62 are rejected for similar reasons.

Further, the Examiner notes that Joao explicitly discloses the following system components:

- *at least one web server operable to host applications* (see FIG 1 and associated text in column 3, lines 60-67; column 12, lines 9-19 and 27-31);

Art Unit: 3624

- *at least one database in communication with the web server and operable to store data for applications hosted on the web server (see FIG 2 and associated text; noting the database); and*
- *a workforce procurement and management application hosted on the at least one web server and operable to store data using the at least one database, the workforce procurement and management application including a plurality of modules accessible at varying levels to different participants in a hosted workforce procurement and management process (see FIG 2 and associated text in column 4, lines 8-12; column 5, lines 53-64; column 14, lines 28-45; column 15, lines 47-62; noting the system contains a database for maintaining contractor and employer information. Access to the information maintained in the database is limited by authorization.), the modules including:*
 - *an exchange module (see column 20, lines 53-63; noting hiring entities use the system to search for contractors to fill positions for projects, and the system is "utilized by an employer [] in order to fill a job, a position, a project, and/or an assignment". Further see column 25, lines 25-31, noting "requirements concerning educational credentials, skills, work experience, objectives, and/or any other data and/or information pertinent to [] fulfilling [the employer's] needs". Further see column 18, lines 1-6, noting that multiple employers and individuals are stored in the database and a settlement function for tracking expenditures on the project (column 34, lines 33-46; The system maintains financial accounts for*

Art Unit: 3624

tracking payments (i.e., expenses) to individuals for work performed on projects.).

Claims 63–65 and 68 are directed to the computer readable medium for practicing the method of the claims above. Therefore, claims 63 - 65 and 68 are rejected for similar reasons.

Conclusion

The references cited in the form PTO-892 were not applied under relevant sections of §102 or §103 in the above Office action, however they are considered relevant to both claimed and unclaimed features of the instant invention. Applicant is herein advised to review the cited prior art references prior to responding to the instant Office action in order to expedite prosecution of the instant application.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **BRETT FEENEY** whose telephone number is **571.270.5484**. The Examiner can normally be reached on Monday-Thursday, 7:30am-6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **KAMBIZ ABDI** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Art Unit: 3624

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/BRETT FEENEY/

Examiner, Art Unit 3624

/Romain Jeanty/

Primary Examiner, Art Unit 3624

July 1, 2010